PATTERNS OF POWER · COMPANION CASE

The Sceptre and the Heap

A Companion Case to the Working Statement — What Homer Shows About the Division of Spoils, Why Achilles Could Not Be Bought, Why the Same Complaint From Thersites Moved Nobody, and Why a Bedouin Chief Four Hundred Years Later Had the Same Problem

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with Claude (Anthropic) · 2026

held as tested, not revealed

COMPANION CASE

Preface

What this is, and why a poem is admissible evidence.

This is a companion case to *Distance and Witness*, the second working statement of the Patterns of Power series. That statement argues that every settlement needs two machines built in opposite directions — a **rule**, defended by distance, and an **instance**, defended by witness — and that the joint between them is where orders come apart. It is general, and it is short.

A companion case does what a general statement cannot: it follows the mechanism through one body of evidence and looks for the places where the statement is silent or wrong.

The research direction, the case selection and the judgement are Thomas J. Bryan's; the historical synthesis, the retrieval, the drafting and the argument are done with Claude, Anthropic's model.

The case is the Homeric poems, and it is chosen for a reason that has nothing to do with their literary standing. The series' central instrument — the division of spoils among a war-band, the leader's share taken off the top — appears in the *Iliad* with **both halves of the mechanism present as named physical objects**, one of which the poem stops to give the provenance of. And the plot of the poem is what happens when the two are put in conflict.

A word about what kind of evidence this is, because it matters. These are poems, not records. Nothing here treats Agamemnon as a historical person, dates the Trojan War, or claims that any of it happened. What is used is narrower and, I think, sound: **the poems are evidence about what an audience found intelligible.** A grievance has to make sense to the people hearing it. If a listener could not follow why Achilles was angry, or why the army laughed at Thersites and not at Achilles, the passage would not have survived recitation. **So the poems are testimony about a working social logic**, in the way a legal formula or a proverb is, and that is all they are used for here.

Two further disclaimers. No claim is made about diffusion. The argument in Part 8 is that a Homeric arrangement and a pre-Islamic Arabian one converge because the same problem landed on the same kind of desk, and the whole point of the comparison is that neither could have read the other. And the poems are not treated as a description of any real Bronze Age society; the scholarly view that the world they depict is largely

that of the poet's own later period, or a composite, is accepted and does not affect anything argued here.

The study stands alone. No acquaintance with the series, the poems, or any scholarship is assumed.

One discipline governs throughout. The subject is the division of plundered property, and a substantial part of that property was people. Part 11 pays that debt in plain words rather than assuming it.

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The question

Why a man refuses a fortune, and why the same complaint gets two opposite receptions.

Three things happen early in the *Iliad* which are strange if you read them as a story about pride, and legible the moment you read them as a story about a distribution.

A king takes back a prize that has already been allotted. Agamemnon is compelled to give up a woman he holds as his share of plunder; he compensates himself by taking Briseis, who had been allotted to Achilles by the army's division. Achilles withdraws from the fighting, and the withdrawal nearly destroys the expedition.

A colossal settlement is refused. In Book 9 Agamemnon offers compensation on a scale that is difficult to overstate — tripods, gold, horses, women, seven cities, and a daughter in marriage. Achilles refuses it. On any account where the quarrel is about the value of what was taken, that is unintelligible.

And a commoner makes the identical complaint and is beaten for it. In Book 2, Thersites tells Agamemnon that his tents are full of bronze and captured women, the choicest of the spoils given to him first. The narrator states plainly that the Achaeans shared his anger. Odysseus strikes him with Agamemnon's sceptre, and the army laughs.

Same grievance, from two men, opposite outcomes. That pair is the most useful thing in the poem for this series, and Part 6 is about it.

Behind all three sits the question the series exists for: **how does a heap of plunder become somebody's property?** A war-band that cannot answer that will fight over it before morning. A war-band that can answer it has performed, in one afternoon and at no cost, the operation that empires spend centuries and enormous sums trying to reproduce.

COMPANION CASE

The framework, in brief

Enough to read the case; the full statement is in the companion paper.

Possession is what force holds now: present-tense, lapsing when the capacity sustaining it lapses. **Ownership** is a claim about tomorrow and about other people — that this will be mine while I sleep, and that when I die you will treat my son as its holder. **It is not a relation between a person and a thing but a structure of expectations about how others will behave over time**, and force cannot produce it.

Warlordism is a coordination failure, not a moral one. When one man seizes another's holding, the outcome turns on what every *third* man does. Absent a common standard, each finds that intervening costs him casualties and an enemy, and that intervening alone marks him as next while the others husband their strength. So each waits, and each knows the others are reasoning identically, and the waiting is what makes the seizure safe.

What fixes it is something each man can check, cheaply, confident the others are checking the same thing. **But the answer such a check requires always has two halves**, because it is always of the form *does this case fall under that rule*:

- The rule: the leader takes one part in five. The instance: this heap is what was taken, and that pile is a fifth of it.
- The rule: the eldest legitimate son succeeds. The instance: this man is the eldest legitimate son.

If either half is uncertain, the answer is uncertain and nobody moves. **A perfect rule applied to an unknown case coordinates nobody.**

And the two halves are attacked differently, so they are defended in opposite directions. A **rule** is attacked by revision, so it is defended by **distance**: put it in the past, attribute it to nobody living, keep it out of every player's reach. An **instance** is attacked by concealment, so it is defended by **witness**: many people, on the record, where the record can be reached.

Those defences are incompatible, because a witness is an author of a record. What makes a rule safe is that no living person may touch it; what makes an instance safe is that many living people are touching it right now. So every settlement needs two machines pointed in opposite directions, and **the joint between them is the cheapest thing in the order to attack.**

COMPANION CASE

Part 1 — The sceptre is the rule

And Homer stops the poem to give its provenance.

In Book 2 the Achaean army is assembled in uproar, nine heralds are shouting them quiet, and Agamemnon stands to speak. And the poem stops, for eight lines, to say where the thing in his hand came from.

Hephaestus made it. Hephaestus gave it to Zeus. Zeus gave it to Hermes. Hermes gave it to Pelops. Pelops gave it to Atreus. Atreus at his death left it to Thyestes. Thyestes left it to Agamemnon to bear — that he might be lord of many isles and of all Argos.

Read that as a specification rather than as decoration, and it satisfies the rule conditions item by item.

It is a fact about the past. Every transfer named is completed, and every man in the chain is dead. Nothing in it can be different next spring.

It is authored by nobody in the contest. The maker is a god; the first holder is a god; not one link is a man now standing on the beach at Troy. This is the unforgeability condition in the strongest available form — **Achilles cannot make one, cannot buy one, and cannot become one of the names in the list.**

It is attached to an object rather than to a person. The claim does not rest on Agamemnon's qualities. It rests on what he is holding, which is why the poem describes the object's history and not his.

It is common knowledge. It is recited aloud, in an assembly, before the whole army, which is precisely the operation the series calls generating common knowledge: not informing individuals, who mostly knew, but showing each man that the others are receiving the same thing at the same moment.

And it states its own function in the same breath, and the function is a distribution. Not that Agamemnon is wise or brave. That he is **lord of** — of many isles and of all Argos. **The sceptre's stated purpose is to say who holds what.**

And the assembly rule is a coordination device

The sceptre does a second job. Whoever holds it speaks; the rest are silent. That is a solution to a coordination problem — how does a crowd of thousands decide whose voice counts — implemented with one object and no procedure.

Which is worth pausing on, because it is the whole apparatus in miniature. **A crowd that cannot agree who is speaking cannot agree on anything else.** The sceptre resolves it by being singular and visible, and the poem shows heralds physically imposing silence around it.

One qualification

This is a poetic object and its provenance is a poetic invention. Nobody is claiming that a real sceptre passed through those hands.

The claim is narrower and survives the objection entirely. The poet, composing for an audience, gives the object a genealogy rather than a valuation — and the audience finds that intelligible as the ground of a claim to be lord of. **What is evidence here is the form of the justification, not its truth.** And the form is the series' own: authority attaches to an object with a past that nobody present made.

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Part 2 — The heap is the instance

The other half, and why it costs nothing.

The other machine is not described at length because it did not need describing. The spoils of a sacked town are brought back and piled. The army is present. The division is made in the open, and each man's *geras* — his allotted prize, the portion of honour — comes out of that division.

Score it as an instance-machine and it is at the far end of its axis for the opposite reason to the sceptre.

It is maximally close rather than maximally distant. Every man entitled to a share is standing around it.

Concealment is impossible, not because it is forbidden but because there is nowhere to conceal anything.

Witness is total and free. No register is required, no assessor, no survey, no clerk. The count is common knowledge with no instrument at all, because the instrument is the circle of men.

> ***That is the whole trick, and it is the reason a war-band can solve at no cost a problem that empires spend fortunes on.*** *The two halves are put at opposite extremes: the rule is maximally far away, in a genealogy of dead men and gods; the instance is maximally close, in a pile on the sand with everyone watching. Between them they produce a complete, checkable answer with* ***no interpreter anywhere in the mechanism.***

And it is worth noting what is *absent* from the Homeric division. There is no priest who certifies it, no judge, no scribe, no register. The mechanism runs with nobody standing in the joint — which is possible only because both halves are at their extremes, and which is exactly what stops being possible the moment the army disperses to hold land.

COMPANION CASE

Part 3 — Why Achilles is angry

Not the value of the woman. The demonstration.

Now the quarrel, read with both machines in view.

Agamemnon holds a woman as his own allotted share. He is compelled to give her up. And he compensates himself by reaching into a **completed division** and taking a prize that the army had already allotted to somebody else.

Notice what that is, and what it is not.

It is not theft in the ordinary sense; he does it openly, in the assembly, as the man holding the sceptre. It is not a breach of the rule about how spoils are divided; the rule is not amended and nobody proposes amending it. **He does not break the rule. He overrides the instance** — he treats a completed allotment as revisable at his discretion.

And the series' whole account says this is the more dangerous of the two moves, because breaking a rule is legible and assembles a coalition, while revising an outcome does not trigger anything.

What every captain on that beach learns is a fact about his own *geras*.

Before, a man's prize was a holding: allotted by a division everyone witnessed, under a rule nobody present wrote. After, a man's prize is **whatever Agamemnon has not yet decided to want**. Which converts it from ownership into possession — from a claim about tomorrow into a forecast about the health, mood and needs of one man.

> ***Achilles' grievance is not that he lost a woman. It is that the answer was shown to be pointable — and once it has been pointed, every allotment in the camp is a report on Agamemnon's present position rather than a fact about the past.***

And the poem has him say so. His complaint is not that Briseis was valuable but that the proportion is wrong and that the arrangement no longer rewards the man who does the fighting — the same portion, he says, falls to the man who holds back and the man who fights hard. That is a complaint about a **rule failing to bind an instance**, which is exactly the condition in which a bystander stays home.

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Part 4 — Why the fortune could not fix it

Book 9, and why compensation cannot repair a demonstration.

In Book 9 Agamemnon sends an embassy with an offer that is difficult to overstate: tripods, gold, horses, women, seven populous cities, and a daughter in marriage with no bride-price. By any material measure it exceeds what was taken many times over.

Achilles refuses.

On a reading where the quarrel is about value, this is irrational and has to be explained by temperament. On the framework's reading it is the only coherent move available, and there are two reasons.

First, compensation cannot repair a demonstration. What was destroyed was not Achilles' wealth but the proposition that an allotment stands. Handing him more property does not restore that proposition; it is fully consistent with the new state of affairs, in which Agamemnon disposes of prizes as he sees fit. **The gifts are evidence for the thing complained of.**

Second — and this is the sharper point — accepting them would confirm the source. A prize allotted by a witnessed division under an old rule is a holding. **A prize handed over by Agamemnon is a gift from Agamemnon**, and a man who accepts one has publicly conceded that Agamemnon is where his standing comes from. Achilles would be trading a claim for a favour, and everyone watching would see him do it.

Which is why the offer's very size makes it worse rather than better. **A larger gift is a larger demonstration of who does the giving.**

The series has the general form of this from elsewhere: an authorisation from an issuer with interests is a policy of that issuer, and policies are revised. Achilles is refusing to hold anything on that basis.

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Part 5 — What the withdrawal actually does

The floor as a settlement, demonstrated by one man leaving.

Achilles does not rebel. He does not attack Agamemnon, raise a faction, or claim the sceptre. **He stops fighting**, and the entire expedition comes close to destruction.

The series holds that a floor of armed force is not bedrock but a second settlement nested inside the first: an army is a set of armed men each of whom could refuse, so obedience is a forecast each man makes about the others, and a force can evaporate without a battle when that forecast changes.

The *Iliad* is a very long demonstration of it. Nothing material alters when Achilles withdraws — the ships, the men, the walls and the supplies are where they were. **What changes is what every other captain now expects**, and the poem's middle books are the consequences of that change working through an army that has lost nothing and cannot fight.

And the poem contains the corollary too. In Book 2, before any of this, Agamemnon proposes going home as a test and **the army takes him at his word and runs for the ships**. It takes Odysseus, and the sceptre, and a beating, to stop them. That is a floor discovering it might dissolve, in an afternoon, on a suggestion.

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Part 6 — Thersites

The same complaint, the opposite reception, and why.

This is the most useful passage in the poem for the series, because it is a controlled comparison: the same grievance, in the same assembly, within a few hundred lines, from two different men.

Thersites says what Achilles says. He tells Agamemnon that his tents are full of bronze and of captured women, the choicest of the spoils given to him first whenever a town is taken. That is Achilles' complaint about proportion, stated plainly and, on the evidence of the text, accurately.

And the narrator says the army agreed with him. The Achaeans held deep anger and resentment toward Agamemnon; Thersites' shout rises out of a mood the whole assembly shares.

Then Odysseus beats him with the sceptre, and the men laugh.

The poem gives its own explanation, which is that Thersites is ugly, low, and a nuisance — and that explanation is the legitimating narrative rather than the mechanism. Strip it and the structural fact is this:

> ***Achilles holds a geras. Thersites holds nothing.***

The series' account of why a settlement defends itself is that it does so **by default**: every man defends his own holding, every holding runs to one source, so each defends the source without intending to, without meeting anybody, and without believing a word of it.

Which has an exact consequence here. **Achilles' grievance implicates every other captain's prize, because his prize and theirs came out of the same division under the same rule.** An allotment overridden for him is an allotment that can be overridden for them. Their own arithmetic points them at his complaint whether they like him or not — and the poem shows precisely this, in that his withdrawal is a crisis rather than a private sulk.

Thersites' grievance implicates nobody's title, because he has no title. He is not a bystander in the mechanism's sense; he is not in the coalition at all. He is not hostile to it — he simply holds nothing whose defence would incidentally defend anything. So the men who share his opinion have no interest that his complaint activates, and they laugh.

> ***The coalition is constituted by holders. That is why the same words move an army when a prize-holder says them and produce laughter when a man with nothing says them.***

Which is the series' finding that **crowds are a solvent and not an author**, demonstrated inside forty lines of a poem, with the two cases laid side by side.

And one detail is almost too neat to be believable. The instrument Odysseus uses to beat him is **Agamemnon's sceptre** — the rule-object itself, applied as a club to the one man in the assembly with no stake in the rule.

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Part 7 — Oaths, and why the reconciliation takes the form it does

The instance axis appearing where it is needed.

The quarrel is eventually composed, and how it is composed is evidence.

The gifts are brought out **publicly**, before the assembled army. And Agamemnon swears an oath that he never touched Briseis.

Both of those are instance-machinery, and neither is decorative.

Why public? Because what was damaged was common knowledge, and common knowledge can only be repaired in public. A private restitution would leave every man uncertain what the others believed, which is the condition the whole apparatus exists to prevent.

And why an oath? Because the fact at issue is a fact about the present world that cannot be witnessed — what happened, or did not happen, in a tent. **An oath is the instance-machine of a society with no register**: an unverifiable claim staked on something the swearer cannot fake and is understood to be unable to survive breaking.

That is the same instrument the series finds later in a different form. A jury of neighbours swearing to who held a field in a former king's day; a charter witnessed by named men; a court record certified by a judge. **All of them are devices for establishing a fact that cannot be seen by everyone who needs it**, and the oath is the cheapest of them, available to a society with no writing at all.

Which supplies a small general finding worth carrying: **where an instance cannot be witnessed directly, the institution that appears is always an oath or its descendant — a costly, public, unfakeable staking of the speaker on the fact.** The Homeric oath and the Domesday jury are the same instrument two thousand years apart.

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Part 8 — The Bedouin convergence

Same problem, same answer, no contact — and then one datable reform.

Now the comparison the case exists for.

The Homeric leader takes the choicest of the spoils first. That is Thersites' charge and nobody in the poem denies it; it is the arrangement, not an abuse of it.

The pre-Islamic Arabian chief took a quarter — the *mirbāʿ* — **together with the *ṣafw al-māl*, any part of the booty that particularly attracted him, and retained the right to dispose of the remainder as he saw fit.**

Those are the same institution. A leader's fixed share, *plus a discretionary pick*, out of a pile divided in the open among the men who took it. Two societies with no contact, separated by a great distance and a long time, arrive at an identical arrangement — and the series' explanation is neither diffusion nor coincidence but **position**: the same problem landed on the same kind of desk, and there were only so many things to do about it.

And the problem is exactly the one the *Iliad* is about. A discretionary pick is a hole in the instance-machine. It is the one part of the division that is not fixed by the count and not witnessed as a completed fact, because it is whatever the leader decides he wants. **The *ṣafw al-māl* is the *Iliad*'s crisis written into the rule as a standing entitlement.**

Then the reform, and it is datable

A verse revealed after the battle at Badr assigns **one fifth** of what is taken to God and the Messenger, to his kin, and to the orphans, the needy and the traveller — leaving four fifths to the men who did the fighting. It is generally treated as the first Islamic tax.

Set it against what it displaced and it does three things at once, and each of them is a repair of a specific defect:

It cuts the fraction — a quarter to a fifth.

It removes the pick. The *ṣafw al-māl* disappears. There is no longer a portion whose content is at the leader's discretion, which closes the hole the *Iliad* dramatises.

And it converts the leader's share from property into a fund. The fifth is not his; it has a named list of beneficiaries and he administers rather than owns it. Which means

it is no longer a share in the distribution at all — **the man dividing the heap is removed from the list of people the heap is divided among.**

That last is the series' ineligibility condition, arriving as a fiscal reform. And the whole package is **the rule axis being strengthened at exactly the point where the war-band's instance-machine cannot reach.**

Which yields the general form

The heap solves the instance for nothing and never solves the rule. Thirty men standing in a circle can see everything in the pile and cannot stop the man in the middle from taking a quarter plus whatever he fancies — **which is precisely what the pre-Islamic chief did, in front of men who could all see him do it, and precisely what Agamemnon did in front of an assembled army.**

Co-presence is an instance-machine. It is not a rule-machine, and no amount of it becomes one. What stopped the chief was not more witnesses. **It was a fraction that came from somewhere none of them could reach.**

Part 9 — The Odyssey is the other axis failing

A whole poem about an instance nobody can establish.

If the *Iliad* is about a rule-holder overriding an instance, the *Odyssey* is about an instance that cannot be established at all — and the two poems together happen to cover both failure modes.

The situation is an instance problem in its entirety. Is Odysseus alive? Nobody knows. Whose house is this? Nobody can say. Does a remarriage transfer the estate, and to whom? Unanswerable while the first question is open. Telemachus is too young to hold anything and there is no register, no court with reach, and no authority on Ithaca outside the household itself.

And the result is precisely what the framework predicts. The suitors consume the estate by force. Not because they have a rival rule — nobody disputes that a man's household is his — but because **the instance cannot be established, and an unanswerable instance produces the same condition as no rule at all.** It is a warlord condition inside one hall.

Which makes the recognitions verification procedures

Read that way, the famous scenes stop being sentimental and become technical.

The scar is a mark on the body, witnessed by an old servant who was present when it was made. A physical fact plus a living witness — the ordinary instance-machine.

The bow is a test only the true holder can pass. Where a fact cannot be attested it is replaced by a demonstration that cannot be faked, which is the same logic as an ordeal and the same logic as a costly display.

And the bed is the best instrument in either poem. Odysseus built the bedchamber around a living olive trunk and made the bed from the rooted stump, so it cannot be moved. Penelope tests him by suggesting it has been moved; he objects, and in objecting proves who he is.

Look at what that is as a verification device. **A fact known to exactly two people, attached to something physically immovable.** It cannot be observed by an impostor, cannot be learned by report, and cannot be faked by any amount of force. In a society with no writing and no register, **it is as close to an unforgeable record as an instance**

can get — and the poem makes it the hinge on which the restoration of a household's title turns.

And the ending is the series' loop

The suitors are killed, their kinsmen arm, and Ithaca is one step from a blood feud that would consume it — which is the warlord condition arriving properly.

What stops it is a party who cannot inherit Ithaca. Athena imposes a settlement, and the fighting ends. Whatever one makes of the theology, the structure is the series': the fighting stops when somebody outside the contest, who cannot win the prize, supplies an answer — and no party inside it could have supplied one, because any answer from a party is a forecast about that party.

Part 10 — What the case gives the framework

Four things, and one it does not settle.

One. Both axes appear as named physical objects, in one text. The rule is a sceptre with a recited provenance of dead men and gods. The instance is a heap on the sand with the army standing around it. The series arrived at the distinction by reasoning about what a bystander needs; here it is furniture.

Two. The joint's absence is visible. There is no interpreter in the Homeric division — no priest, no judge, no scribe, no register. That is possible only because both halves are at their extremes, and it is the clearest illustration of the general claim that the joint is a thing you have to build once you can no longer put the whole distribution in one field.

Three. The coalition is shown to be constituted by holders, by a controlled pair inside one assembly: the same grievance moves an army when a prize-holder states it and produces laughter when a man with nothing states it.

Four. And the *ṣafw al-māl* comparison converts a general claim into a specific one. The series says the instance is free in the room and the rule never is. The Homeric leader's pick and the Arabian chief's pick are the same defect, arrived at independently — a portion whose content is at the leader's discretion, which no number of witnesses can fix — and the Qur'anic fifth is a datable reform that closes exactly that hole and removes the divider from the division.

What it does not settle. The series' hardest open question is where a usable rule comes from, and this case does not answer it. The sceptre's provenance is a poetic invention and cannot be dated; the fifth's is datable and the reform is legible, but what made *that* verse authoritative is the same question one level back. **The case shows what a rule has to look like. It does not show where one comes from**, and nothing here shortens that problem.

Part II — Where this is weak, and the excluded

Poems are not records, and the inference is doing real work. The argument rests on the claim that a grievance had to be intelligible to survive recitation. That is defensible and it is not evidence about any actual society's practice. **A hostile reader could say this is a reading of a literary structure and nothing more**, and the honest answer is that it would then be an illustration of the framework rather than a test of it — which is why the *ṣafw al-māl* comparison matters, since that part rests on the reference literature rather than on the poems.

The Homeric world is composite. The scholarly view that the poems depict a mixture of periods, largely the poet's own, is accepted here. Nothing in the argument requires the arrangement to have existed in any particular century — only that an audience found it intelligible — but a reader who wants historical practice should not take this paper for it.

The Thersites reading may be over-determined. The poem gives its own explanation — that he is low, ugly and disorderly — and there is a long scholarly tradition reading the scene as class contempt, which it plainly also is. **The framework's reading is compatible with that and does not displace it**, and a critic could reasonably say the class reading is sufficient and the structural one is decoration.

And the coding is contaminated, as everywhere in this series: the categories were built by the people who then applied them, knowing the outcome of the story.

The excluded

The heap contained people. The *geras* over which the *Iliad*'s quarrel is conducted is a woman, and the poem's word for her is a prize. Chryseis and Briseis are the objects of the dispute and neither is consulted about anything; Briseis is taken from one man's tent and moved to another's, and the assembly's concern throughout is which of two men is entitled to hold her.

This paper has described that transaction in the vocabulary of instance-machines and allotments, because that vocabulary is what makes the mechanism visible. It should be said plainly at least once that the mechanism was a mechanism for distributing captured human beings, that the towns whose sacking produced the heap

were populated, and that the men in the circle were dividing other people's lives along with the tripods.

And the same is true of the reform. The extension of the fifth to captives is what later made a slave-soldier institution possible, and the intellectual operation involved — reading human beings as movable spoils — is the same operation, performed by the same kind of official, whatever the improvement in the fraction.

Thersites is excluded twice, and the second time by this paper. He is beaten in the poem for saying what the great men were saying, and he is used here as a data point demonstrating that a man with nothing is not in the coalition. That finding is, I think, correct. **It is also a description of why his beating cost nobody anything**, and describing that accurately is not the same as finding it acceptable.

Legibility is not pardon. Explaining how men who had just sacked a city divided what they took is not a defence of any part of it, and the elegance of the arrangement mitigates nothing about what was in the pile.

Conclusion

An army stands in uproar on a beach and a king rises to speak, and the poem stops for eight lines to say where the stick in his hand came from: made by a god, given to a god, passed through four dead men, and left to Agamemnon **that he might be lord of many isles and of all Argos**. Not a word about his character. A provenance, and a statement of what the provenance authorises — which is a distribution.

That is a rule, and it is defended by distance: every holder named is dead, the maker is unreachable, and no man on that beach can forge one, buy one or become one of the names.

A few hundred yards away is the other machine. The spoils of a sacked town, piled in the open, with every man entitled to a share standing around them. **That is an instance, and it is defended by witness** — concealment is impossible because there is nowhere to conceal anything, and the count is common knowledge with no instrument at all.

Between them, at no cost, with no priest and no register and nobody standing in the joint, a war-band converts a heap of stolen property into a set of holdings. It is the operation empires spend centuries failing to reproduce, and it works here only because both halves are at their extremes: the rule maximally far away, the instance maximally close.

And then the man holding the rule reaches into a completed division and takes back an allotted prize.

He breaks nothing. He amends no rule and proposes no new one. He overrides an instance — and what every captain on the beach learns is that his own prize is no longer an allotment under a rule but **whatever Agamemnon has not yet decided to want**, which converts it from a fact about the past into a forecast about one man's present position.

Which is why the fortune in Book 9 cannot fix it. Tripods, gold, horses, seven cities and a daughter do not restore the proposition that an allotment stands; they are perfectly consistent with its destruction. And accepting them would settle the remaining question in the wrong direction, because **a prize allotted by a witnessed division is a holding, and a prize handed over by Agamemnon is a gift from Agamemnon.** The larger the gift, the more clearly it says who does the giving.

And Thersites is the control. He makes the same complaint, in the same assembly, and the narrator says the army shared his anger — and Odysseus beats him with the

sceptre and the men laugh. The difference is not eloquence or standing or the justice of the case. **Achilles holds a prize that came from the same division as theirs, so his grievance implicates their titles by default. Thersites holds nothing, so his implicates nobody's, and nobody rides.** The rule-object itself is the club, applied to the one man in the assembly with no stake in the rule.

And four hundred years later and a thousand miles away, a Bedouin chief had the identical arrangement — a fixed share plus whatever in the pile particularly attracted him, out of a division made in the open among the men who took it. Not because anyone had read Homer, but because the same problem kept landing on the same kind of desk. **A discretionary pick is a hole in the instance-machine that no number of witnesses can close**, and both societies had it, and one of them fixed it.

The fix is datable and it does three things: it cuts the share, **it abolishes the pick**, and it converts what remains from the leader's property into a fund with named beneficiaries that he administers rather than owns — **which takes the man dividing the heap out of the list of people the heap is divided among.**

That is the whole of what the *Iliad* is about, repaired by a verse, in a society that had never heard of it.

> ***The heap gives you the instance for nothing and never gives you the rule. Thirty men who can see everything in the pile still cannot stop the man in the middle from taking whatever he fancies — and what stops him is never more witnesses. It is a fraction that comes from somewhere none of them can reach.***

Sources

What each cited text says, and how it is used.

The framework. Set out in this series' second working statement, *Distance and Witness*, and developed in *The Rule and the Heap* (from which the two-axis distinction and the derivation from the royal fifth are taken), *How a Camp Becomes a Country*, *What Holds at Night*, *The Closed File*, *Taking and Keeping*, *More Claimants Than Chairs*, *Why the Fighting Stops* and *Too Useful to Break*. The borrowed apparatus is Thomas Schelling, *The Strategy of Conflict* (1960), on convergence upon the conspicuous; David Lewis, *Convention* (1969), on common knowledge; Michael Chwe, *Rational Ritual* (2001), on ceremony as a generator of it; the Grossman–Hart–Moore distinction between a fact being observable and being verifiable; Roy Rappaport, *Ritual and Religion in the Making of Humanity* (1999); Joseph Henrich on credibility-enhancing displays; and James C. Scott, *Seeing Like a State* (1998), on legibility.

The Iliad. The sceptre's provenance is Book 2, lines 100–108: made by Hephaestus, given to Zeus, Zeus to Hermes, Hermes to Pelops, Pelops to Atreus, Atreus at his death to Thyestes, Thyestes to Agamemnon to bear, that he might be lord of many isles and of all Argos. **This passage was checked against several standard translations for this study.** The assembly scene, the nine heralds, the Thersites episode — his charge that Agamemnon's tents are full of bronze and captured women given to him first, the narrator's statement that the Achaeans shared his anger, and Odysseus striking him with the golden sceptre so that a bloody weal rose on his back while the army laughed — is Book 2, and was likewise checked. The quarrel over Chryseis and Briseis is Book 1; the embassy and the catalogue of Agamemnon's offer, including the seven cities and the daughter, is Book 9; the public restitution and Agamemnon's oath is Book 19. Line references are given as the standard editions give them, and no argument here depends on any particular translation's wording.

The Odyssey. The suitors' consumption of the household, the recognition by the scar, the trial of the bow, and the bed built around a rooted olive trunk together with Penelope's test, follow the poem. The intervention that halts the feud in the final book is reported as the poem reports it.

On the poems as evidence. The scholarly consensus that the Homeric world is a composite drawing substantially on the poet's own period rather than a description of

any single historical society is accepted, and Part 11 states the consequences for what this study is entitled to claim.

The Arabian material. That the pre-Islamic chief took a quarter, the *mirbāʿ*, **together with the *ṣafw al-māl*, any part of the booty that particularly attracted him, and retained the right to dispose of the remainder as he saw fit**, is the standard account in the reference literature and **was checked for this study**, as was the characterisation of the *khums* as the first Islamic tax. The verse assigning a fifth to God and the Messenger, his kin, the orphans, the needy and the traveller is the eighth chapter, forty-first verse, revealed after Badr. The subsequent career of the fraction — the Ottoman *pençik* and its extension to captives, and the Spanish *quinto real* and its extension to mine produce — is treated in this series' other studies.

What is not attempted. This study makes no claim to original research in Homeric scholarship, classical archaeology or early Islamic history, all of which it enters as a visitor. It offers no view on the composition of the poems, the historicity of any person or event in them, or any disputed question of translation. Its contribution is analytical: to read one body of familiar material through a framework built from unrelated cases, and to identify one convergence — a leader's discretionary pick out of a witnessed division — which appears in two societies that could not have influenced each other and which one of them then abolished by a datable reform.